

H-A

Notice of Allowability

Application No.

10/075,153

Applicant(s)

MASE ET AL.

Examiner

Kumiko C. Koyama

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination submitted on 26 August 2005.
2. ☒ The allowed claim(s) is/are 15,18-21,37,38,47-58 and 72-94.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>031706</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>08051005,1105,0106</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. Remarks submitted with the request for continued examination has been acknowledged.
2. Information Disclosure Statement submitted August 26, 2005 has been considered.
3. Information Disclosure Statement submitted October 27, 2005 has been considered.
4. Information Disclosure Statement submitted November 02, 2005 has been considered.
5. Information Disclosure Statement submitted January 16, 2006 has been considered.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 26, 2005 has been entered.

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EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey Nichols on March 17, 2006 (see Interview Summary).

The application has been amended as follows:

IN THE CLAIMS

Claims 1-14, 16, 17, 22-36, 39-46 and 59-71 are cancelled.

Claim 72 (new) The medical container of claim 15 wherein the variable information comprises the lot number and expiration date and wherein the fixed information comprises a National Drug Code Number.

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Claim 73 (new) The medical container of claim 15 wherein the medical container film comprises a multi-layer film.

Claim 74 (new) The medical container of claim 15 wherein the medical container film comprises a polyvinyl chloride material.

Claim 75 (new) The medical container of claim 15 wherein the medical container film comprises a polyester material.

Claim 76 (new) The medical container of claim 15 wherein the medical container film comprises polyolefin material.

Claim 77 (new) The medical container of claim 15 wherein the light-reflecting segments have the color white.

Claim 78 (new) The medical container of claim 15 wherein the light reflecting segments are not visible to the naked eye.

Claim 79 (new) The medical container of claim 15 wherein each negative image bar code has a length less than or equal to 52 millimeters.

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Claim 80 (new) The medical container of claim 19 wherein the variable information comprises the lot number and expiration date and wherein the fixed information comprises a National Drug Code Number.

Claim 81 (new) The medical container of claim 19 wherein the medical container film comprises a multi-layer film.

Claim 82 (new) The medical container of claim 19 wherein the medical container film comprises a polyvinyl chloride material.

Claim 83 (new) The medical container of claim 19 wherein the medical container film comprises polyolefin material.

Claim 84 (new) The medical container of claim 19 wherein the light-reflecting segments have the color white.

Claim 85 (new) The medical container of claim 19 wherein the light reflecting segments are not visible to the naked eye.

Claim 86 (new) The medical container of claim 20 wherein the variable information comprises the lot number and expiration date.

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Claim 87 (new) The medical container of claim 20 wherein the medical container film comprises a multi-layer film.

Claim 88 (new) The medical container of claim 20 wherein the medical container film comprises polyvinyl chloride material.

Claim 89 (new) The medical container of claim 20 wherein the medical container film comprises a polyester material.

Claim 90 (new) The medical container of claim 20 wherein the medical container film comprises polyolefin material.

Claim 91 (new) The medical container of claim 20 wherein the light-reflecting segments have the color white.

Claim 92 (new) The medical container of claim 20 wherein the light reflecting segments are not visible to the naked eye.

Claim 93 (new) The medical container of claim 15 further comprising an overpouch, the medical container being disposed within the overpouch and the negative image bar code being decodable upon scanning through said overpouch.

Claim 94 (new) The medical container of claim 93 wherein said overpouch has a wall thickness of at least 2 millimeters.

Allowable Subject Matter

8. The following is an examiner's statement of reasons for allowance:

Nishiguchi (JPO Japanese Patent No. 2802975) teaches an inverted bar code applied on a plastic material. Nishiguchi teaches printing of reflecting areas (bars) on a plastic material and the exposed area (spaces) of the plastic material acting as an absorbing area.

However, Nishiguchi does not teach a second plurality of light-reflecting segments disposed on a medical container film, a second set of light absorbing segments, and a variable information comprising at least one selected from the group consisting of lot number, batch number, expiration date, serial number, production time, price and concentration. Nishiguchi also does not teach a material positioned over a portion of the bar code, wherein the portion has an A or B scan grade when decoded through the material and in accordance with ANSI X3.182.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kumiko C. Koyama
Kumiko C. Koyama
March 20, 2006



THIEN M. LE
PRIMARY EXAMINER